

**Minutes of the Special Planning Board Meeting
Thursday, September 29, 2005 – 7:00 p.m.**

1. CONVENE: 7:03 p.m.
2. FLAG SALUTE: Mr. Piziali
3. ROLL CALL: President Cunningham, Vice President Cook, Lynch, Mariani, McNamara, and Piziali.

Ms. Kohlstrand was absent.

Also present were Supervising Planner Cynthia Eliason, Deputy City Attorney Julie Harryman, Development Services Director Leslie Little, Public Works Director Matt Naclerio, Bruce Knopf, Jennifer Ott and Dorene Soto all of Development Services, Executive Assistant Latisha Jackson.

4. AGENDA CHANGES AND DISCUSSION: None.
5. ORAL COMMUNICATIONS:

Ms. Irene Dieter wished to discuss parking in the downtown area, and noted that consultants were hired by the City to study a parking structure. She recounted the background of that study, and stated that the Elks Lodge was the first choice for a site, followed by Long's Drugs. After the Long's deal fell through, the City did not reinvestigate the Elk's site but instead chose to develop a parking garage, which she did not believe was the best land use in the downtown area. She believed this garage promoted parking in the garage, seeing the movie and driving away. She would like to encourage walking through the neighborhood by using smaller parking lots, dispersed through the City. She believed that shared parking would be economical, and listed several sites. She identified 265 spaces that were not used in the evening hours, and encouraged the City to approach those companies. She requested that the Planning Board to encourage the City to vacate its Negative Declaration and reconsider dispersed parking.

Mr. Richard Bangert noted that he was not a critic of the theater project, but would like to obtain more facts from the City; his concern was growing due to the lack of facts. Midway through the development process, the theater and garage projects had combined into one project and that he had not seen any public notice stating they had combined. He believed that contributed to the level of public controversy.

Ms. Victoria Ashley strongly objected to the theater project, and added that she had degrees in architecture and psychology. She believed there was a social impact of this project on the community. She was disappointed with the last several meetings, and that of 70 people, there was an approximately five-to-one ratio of speakers opposed to the project. She believed their opinions had been ignored.

Ms. Alice Ray and her husband Lew Brentano spoke on child safety and the importance of not building the parking structure to breed criminal activity towards and by children. She implored the Board to look at solutions to keep children safe to help the community.

6. REGULAR AGENDA ITEMS:

- 6-A. **UP05-0018 – Kyle Conner/Alameda Entertainment Associates, L.P. – 2305, 2317 Central Avenue (JO).** The applicant requests a Use Permit approval for the following: 1) multi-screen theatre, live theatre, and public assembly use in the C-C T district pursuant to AMC Subsection 30-4.22; b) fifty-eight (58') foot building height for the Cineplex pursuant to AMC Subsection 30-4.9A.g.2; and c) extended hours of operation until 3:00 AM for the theatre pursuant to AMC Subsection 30-4.9A.c.1(a) for occasional special events and screenings. The site is located within the Park Street C-C T, Community Commercial Theatre Combining District.

Ms. Eliason summarized this staff report.

Mr. Kyle Conner, developer, gave a presentation. He was aware of the public feedback, and stated that he was willing to make changes in order to get the Use Permit approved, including retracting the game room. He noted that he requested the extended hours in order to play blockbuster films such as "Star Wars" to be screened at 12:01 AM according to the licensing agreements.

In response to an inquiry by Ms. McNamara regarding the average number of blockbuster films released each year, Mr. Conner replied that there may be 15-18 blockbusters this year. On average, there may be 15-30 films with licensing agreements that would allow a 12:01 showing.

M/S McNamara/Cook and unanimous to limit the speakers' time to three minutes.

AYES – 6 (Kohlstrand absent); NOES – 0; ABSTAIN – 0

The public hearing was opened.

Ms. Linda Hansen, 1816 Wood Street, spoke in opposition to this item. She suggested that story poles be erected to show the size of this building. She displayed pictures on the overhead screen to illustrate the views that would no longer be visible if the building were to be constructed. She believed the 58-foot height limit was excessive.

Mr. Karva Sales, 1719 Pacific Avenue, spoke in opposition to this item. He agreed with Ms. Hansen's opinion of the garage's appearance and believed that it was out of character with the rest of the neighborhood. He agreed that dispersed parking would be a good idea.

Mr. Rick Tabor, 1821 Santa Clara Avenue, spoke in support of this application. He believed this was a good use for an underused site, and added that he was associated with the Alameda Civic Light Opera, which has a youth internship program. He was offended by the previous speaker's statement that the parking garage would invite gang rapes. He believed that with the proper judgment in finding appropriate and rewarding youth activities, this project would be a positive influence.

Mr. Pete Halberstadt, 1410 Park Avenue, spoke in support of this application. He believed the height of the building was appropriate, and supported maintaining the historical integrity of the theater.

Ms. Marilyn Ezzy Ashcraft, 903 Grand Street, spoke in support of this application. She recently learned of the closure of the historical Lafayette single-screen theater, and added that the owner did not think that single- or two-screen theaters could be viable in the Bay Area. She believed this theater complex could be financially feasible and would revitalize the downtown area, and that downtown businesses would be cross-patronized. She would rather go to the movies in town, rather than go off the Island.

Ms. Marilyn Schumacher, 1829 Clinton, spoke in support of every aspect of this application.

Ms. Mary Hudson, 876 Oak Street, spoke in support of this application. She noted that she had worked in the movie business and understood the difficulty of operating single-screen movie theaters. She did not believe the project was out of scale, and disagreed with the depiction of the project as a megaplex, especially since the new theaters will have approximately 25% less seating than the original theater had.

Ms. Paula Rainey, 556 Palace Court, spoke in opposition to this item. She agreed with previous comments made by other speakers, and agreed with Ms. Alice Ray's comments regarding children's safety.

Mr. Andy Crockett, 1301 Walnut Street #8, spoke in opposition to this item. He noted that he loved historic movie theaters but objected to the project because of the recent steep decline in movie attendance. He did not believe the theater could be financially feasible. He cited movie alternatives such as Netflix, on-demand DVD rentals and the closing time lag between first release of DVD availability. In addition, higher resolution and higher quality television screens make home viewing more attractive, and digital video recorders such as TiVo has tilted a trend toward home viewing. He suggested restoring the theater to only three screens.

Ms. Kristi Koenen, 1360 Pearl Street, spoke in opposition to this item. She believed the proposed Cineplex would overwhelm the parking garage capacity, and cited the parking study that projects the garage capacity being up to 200 spaces short of satisfying peak demand. She noted that the study recommended parking capacity of 450-550 spaces, and expressed concern about a parking nightmare during blockbuster openings. She believed the planned parking capacity would violate the Alameda Municipal Code, and urged the matter to be sent back to the City Council.

Mr. Dick Rutter, 2205 Clinton Avenue, spoke in opposition to this item. He noted that he submitted a letter to the Board, and that he had no objections to Item A, proposing a Cineplex on the site. Regarding Item C, extended hours of operation, he understood the applicant's reasoning for the extension. He understood the game room had been pulled from the Use Permit. Regarding Item B (height and bulk considerations), he believed the building height should be dropped as it gets farther away from Park Street. He noted there was a legal loophole for height limits for the parking

structures, and that they were not as stringent. He believed the 40-foot height limit on this parcel was justified. He believed the height and bulk restrictions were being ignored on the Oak Street side.

Ms. Jasmine Tokuda was called to speak, but was not in attendance.

Mr. Ron Schaeffer was called to speak, but was not in attendance.

Ms. Hanna Fry, 1507-A Chestnut Street, spoke in support of this application, and believed it would be beneficial to Alameda.

Mr. Court Summerfield, 1507 Park Street, spoke in support of this application. He noted that he was a merchant on Park Street and would be happy to see additional parking in the district.

Ms. Jan Schaeffer, 1184 Regent Street, spoke in opposition to this item. She noted that she had previously been the Director of Theater Operations for Alan Michaan's Renaissance Rialto Theaters. She disagreed with those who believed that a smaller house would not be financially feasible, and noted that the Grand Lake Theater, a four-screen house, was very successful because of low overhead and a quality project. She noted that people traveled long distances to attend that theater, and believed that a scaled-down theater could be successful without eight screens. She urged the applicant to restore the interior of the theater.

Ms. Pat Payne, 2121 Alameda Avenue, spoke in opposition to this item. She noted that the surrounding neighborhoods were already short of parking, and did not believe the City needed this theater.

Mr. Vern Marsh, P.O. Box 800, spoke in opposition to this item. He did not believe the cineplex should be built at all. He believed that a majority of people did not want it, and that the Planning Board and the City Council passed the project through despite their wishes.

Mr. Anders Lee, PO Box 800, spoke in opposition to this item, and was concerned about the series of events that led to this meeting. He believed the building was too massive for Alameda. He believed the parking demand would exceed the capacity.

Ms. Carol Fairweather, 920 Walnut Street, spoke in support of this application. She noted that she and her husband would be able to walk to the theater.

Ms. Pauline Kelley, 1121 Sherman Street, spoke in support of this application. She did not wish to go out of town to attend movies.

Mr. Frank George, 2600 Otis Drive, spoke in support of this application. He noted that he was a Park Street merchant and a member of Property Owners on Park Street (POPS), which had approximately 100 members. He noted that there were approximately 400 merchants on Park Street, and has spoken with many merchants who strongly supported this project.

Ms. Debbie George, 2600 Otis Drive, spoke in support of this application. She noted that the current Alameda Theater was 58 feet height, and that this project would balance that building out with a 58-foot building. She noted that the developer would allow the community to use the theater 12 days a year for community events, and looked forward to those events.

Ms. Irene Dieter spoke in opposition to this item. She believed this project ran counter to the Downtown Visioning process, and added that the theater restoration and parking garage had been on separate tracks until summer 2004. Following the demise of the Long's deal, they coalesced into one project, and she did not believe there was any publicity in the local newspaper for the November 2004 scoping meeting. She expressed concern that the balcony will not show movies, and asked why it was not included. She was concerned that if the developer backed out of the deal, the theater may never be restored. She encouraged the Board to maintain the goal of a fully restored theater. She believed that full restoration should be a requirement, not an option.

Mr. Robert Gavrich, Citizens for a Megaplex-Free Alameda, 1517 Fountain Street, spoke in opposition to this item. He opposed the height and the extension of the hours. He expressed concern that the theater attendance would overwhelm the parking capacity, and noted that this ran contrary to the City Ordinance requiring that parking is sufficient for the use. He believed that the proposed project, regardless of height, violated Standard 9 of the Secretary of Interior's standards for rehabilitation according to the City's hired consultant, Robert Bruce Anderson. He quoted Tony's Daysog's concerns about financial feasibility vis-à-vis incoming revenue.

Ms. Deborah Overfield spoke in opposition to this item, and was concerned that the Planning Board had already made up its mind regarding this project. She believed the mix of apartments around the theater was tacky. She did not believe a six-level parking structure on this site was a good idea, and that it did not comply with the Alameda Municipal Code.

Ms. Sally Rudloff, 1828 Clinton Avenue, spoke in support of this application. She believed it would be a good diversion for the youth of Alameda.

Ms. Judith Altschuler, 3015 Bayview Drive, spoke in support of this application. She noted that the City had worked on this project since 1994 with a considerable amount of public speaking and outreach. She noted that the cineplex carried all the ADA requirements for the Alameda Theater. She believed the restoration of the Alameda Theater would be more magnificent and significant because of that; any intrusion of an elevator would diminish the restoration of the theater. She noted that some speakers had referred to the theater as a façade, and she did not recall that on the plans at all; the Alameda Theater would be a fully integrated part of the project, and the main lobby would be the lobby for the entire theater.

Mr. John Rossilon, 1525 Park, spoke in support of this application. He did not believe there would be investors for two movie theaters, and added that it would not be reasonable to put kids on a bus to Jack London Square. He strongly believed that kids and families should have a theater on the Island they can attend easily.

Mr. Dwayne Watson spoke in support of this item, and echoed Mr. Rossilon's comments. He noted that he had worked on the Parking Committee, and believed this was the best arrangement that was feasible. He believed the design for the two theaters was fantastic, and that it had been falling apart for years.

Ms. Ani Dimusheva, 2911 Calhoun, spoke in opposition to this item, and believed it was contrary to the City's General Plan because it did not fit into Alameda's small-town character. She believed the City's historic architecture should be preserved. She urged the City to start again with the design.

Ms. Michelle Misino deLuca, 1506 Lincoln Avenue, spoke in support of this item. She disagreed with the characterization of this project as a megaplex, and supported the benefit to Park Street businesses. She said it would be a good source of revenue to the City.

Ms. Monica Pena, 1361 Regent Street, spoke in opposition to this item. She believed the 3 AM closing time would be a safety hazard, both on the streets and in the parking garage; it would also place a burden on the City's law enforcement officers. She expressed concern that Board member Piziali had signed and circulated a pro-theater petition.

Mr. Harvey Brook spoke in support of this item, and noted that he was a consultant who worked with other theater restorations in the state. He disagreed with the opponents' assessment of the parking capacity, and noted that there were approximately 578 spaces available, which would be sufficient for a busy Saturday night.

Ms. Pamela McBride, 909 Shorepoint Court, indicated she was in favor of this project but was not in attendance to speak.

Mr. Gail Wertzork, 3452 Capella Lane, spoke in support of this item. He believed this was a marquee project for the City, and noted that he had been involved with this project since its inception. He had spoken to many small business owners surrounding Park Street whose customers had a difficult time finding a place to park. He believed the parking garage would be a benefit to the City.

Mr. Fritz Mayer, 146 Purcell Drive, spoke in support of this item, and believed it would be critical to the vibrance of the City. He read into the record a letter from Walt Jacobs, president of the Chamber of Commerce.

Ms. Kathy Shaughnessy, 619 Willow Street, spoke in support of the Use Permit and the extended hours of operation.

Ms. Barbara Marchand, Marchand and Associates, 1212 Regent Street, spoke in support of this item, and believed that it would help the City's economic condition.

Mr. Blake Brydon, 1033 Camino del Valle, spoke in support of this item. He supported the multiple screens, height requirements and the extended hours of operation for occasional special events and

screenings. He believed the multiple screen configuration was the only way to make the theater financially feasible. He did not believe the height was out of scale to other, taller nearby structures. He believed the extended hours of operation would be appropriate for special releases or community events.

Mr. Harry Hartman, 1100 Peach Street, spoke in support of this item. He agreed there would be some mitigation with this project, and believed the quality of life in Alameda would be enhanced by this theater.

Mr. Robert McKean, 46 Steuben Bay, spoke in support of this item, and noted that he had published *Alameda Magazine* for the past four years. He believed this project would be an enhancement to Alameda.

Ms. Angela Lazear, President of Board of Directors, Alameda Civic Light Opera, spoke in support of this item.

Mr. Burny Matthews, 556 Kines Road, spoke in support of this item. He believed that the City should be run like a business to enhance the use of the retail tax revenue to benefit the City as a whole. He noted that well-staffed police and fire departments, and other staff positions are dependent on tax revenue. He believed that visitors would be drawn to the theater, which is located in a safe community. With respect to the concerns about crime connected with the theater, he noted that the Alameda Police Department can handle any crowd situation generated by the theater.

Ms. Doree Miles spoke in support of this item, and noted that she has always wanted to walk to a restored Alameda Theater. She believed this project can make that dream come true, and believed the design would blend well with the historic theater.

Ms. Jackie Green, 1109 Park Avenue, indicated she was in favor of this project, but was not in attendance to speak.

Ms. Kathleen Woulfe, 3208 Monte Vista Avenue, spoke in support of this item. She looked forward to walking to the theater, having dinner and attending a movie.

Mr. Lars Hansson, PSBA President, spoke in support of this item and noted that PSBA completely supported this project. He believed the restoration of the theater and use of the theater for first-run movies was a worthy goal. He recalled the closure of the Lafayette Theater and the impending closure of the Orinda Theater, and emphasized that financial feasibility was essential for its long-term success. He believed it would act as an economic catalyst for downtown Alameda.

Ms. Janice Gatewood, 2029 Alameda Avenue, spoke in support of this item. She believed that the young people of Alameda would benefit from this project, including employment. She recently moved from Southern California, and looked forward to attending a movie with her granddaughter in town.

Mr. Lew Brentano expressed concern about the business plan of the development, which had not been revised since 2003 to reflect current trends in the movie industry. He did not have any problems with an elevator in the historic theater, and noted that would prevent him from attending the restored theater. He encouraged the Planning Board to reject this Use Permit because the current ADA plans did not meet the spirit of the ADA.

Mr. Daniel Pollart, 127 Capetown Drive, indicated he was in favor of this project but was not in attendance to speak.

Ms. Debbie Pollart, 127 Capetown Drive, spoke in support of this item. She noted that she had been a planning professional for 20 years, and generally had to travel outside Alameda to attend a movie. She supported the extended hours and height limit, and noted that the theater could bring social and economic benefits to the community. She believed this building was in context with its surroundings with a cohesive visual pattern and sense of place. She supported the limited late-night showings, allowing City oversight. She noted that if the applicant did not comply with the conditions of approval, or unforeseen problems arise later, the City always has the option of reviewing the Use Permit, and either adding additional conditions of approval or revoking it. She agreed with the withdrawal of the video game component, and that in the city where she works, that is a constant enforcement issue with respect to loitering regulations.

Mr. Bruce Reeves, 2527 Santa Clara, spoke in support of this item, and noted that he was the past chair of the Housing Commission and currently on the Recreation and Parks Commission. He noted that the Board had the benefit of 27 years of meetings, consultant reports and other information regarding this project. He believed that this was the best alternative for the crumbling theater.

Ms. Pat Colburn, 1340 Park Avenue, spoke in opposition to this item, and noted that she was the founder and former president of the Alameda Arts Center. She believed the current project was out of scale in Alameda, and hoped the City would consider the installation of solar panels on the roof of the building.

President Cunningham called for a ten-minute recess.

Ms. Minnie Patino, 1513 Paris Street, Alameda Taqueria, indicated she was in favor of this project but was not in attendance to speak.

Mr. John Grigsby, 1566 Pacific Avenue, spoke in opposition to this item, and drew a parallel between the theater complex project in San Jose and this project. He noted that the San Jose theater closed down four years later, and inquired why City money was needed if it was a good economic idea. He urged the Board to reject the Use Permit and the subsidy.

Ms. Dawna Dondell, 960 Shorepoint Court, indicated she was in favor of this project but was not in attendance to speak.

Mr. John Jacobs, 2130 Otis Drive, did want wish to speak, but indicated his support of this item.

Ms. Ana Rojas, 1129B Regent Street, spoke in opposition to this item, and recalled the last City Council hearing of this item. She did not wish the small-town character of Alameda to drastically change with the addition of a Cineplex and parking garage. She noted that the view of the Twin Towers Church would be lost. She expressed concern that this would be a white elephant.

Mr. Douglas Mitchell, 2922 Gibbons Drive, indicated he was in favor of this project but was not in attendance to speak.

Ms. Abigail Wagg spoke in support of this item, and noted that she was a Park Street merchant. She recalled the small downtown theaters in Sacramento during her youth, and would like to see a similar small-town community unifier in Alameda. She believed that theaters were an asset to any community, and would be a good tax benefit to the city. She did not wish to go off the Island to attend a movie.

Mr. Mel Waldorf, 1715 Otis Drive, spoke in support of this item. He noted that he had to work outside the city, and would like to attend a movie with his family in town. He noted that there were many busy families in Alameda who supported this project.

Mr. David Kirwin, 1416 Seminary Avenue, spoke in opposition to this item. He wished to protect the small-town qualities of Alameda, and would like to see a three-screen theater. He did not believe this theater would generate revenues for the City, and that it would lose its historic status as a building.

Ms. Susan Battaglia, 1351 Burbank Street, spoke in opposition to this item. She did not agree with the height of the building, and was concerned that if the theater failed, the garage would turn into a skateboard park. She would like to see a three-screen theater instead. She did not agree with the proposed site, and suggested that Harbor Bay Parkway would be a better site.

Ms. Rosemary McNally, 2145 San Antonio, spoke in opposition to this item. She recalled seeing the massing model and was immediately concerned with the mass of the building. She was pleased that the game room had been deleted, and hoped that it was not reintroduced. She was concerned that the video game idea was introduced at the last minute, and that a late-night permit 45 nights a year would invite customers from off the Island, contrary to the developer's letter to the newspaper. She did not believe this use would be compatible with the General Plan.

Ms. Valerie Ruma, 1610 Willow Street, spoke in opposition to this item. She noted that this was not the result of a unanimous agreement of the Visioning process. She preferred to see the complete restoration of the historic theater without a Cineplex. She noted that the movie business was declining already, and would rather see a smaller, three-screen theater.

Mr. Joe Cloren, 1245 Tahiti, spoke in opposition to this item. He noted that Alameda was a unique city, and did not want to add more cars to the traffic mix. He was concerned about the impact on

traffic if there was a fire, or even if the drawbridge went up with an extra 500 cars on the street. He expressed concern about emergency vehicle access in such an event.

Ms. Karen Bay, 2911 Santa Clara, spoke in support of this item, and noted that she had taken part in the Downtown Visioning process.

Mr. Jim Strehlow, 3122 Gibbons Drive, spoke in support of this item, and noted that he frequently walked and biked within Alameda. He recommended that a projectionist technician be required to be available within 15 minutes of a failure. He suggested that a website complaint number within an onsite kiosk be available for feedback. He would like to see the number of days with allowable after-hours operation reduced from 45 to 24 days.

Ms. Reyla Graber, 3120 La Cresa Street, spoke in opposition to this item. She believed this project was wrong for Alameda, and added that the scale of the garage and footprint of the project was too large. She was not confident of this use of public funds, and did not agree with the 3 AM extension of hours. She would not like to see the developer return with a request for a game room and for 15 screens. She noted that the Marina Theater was being restored in San Francisco, and suggested that be a model for Alameda.

Mr. Douglas Mitchell submitted a speaker slip, but was not in attendance to speak.

Ms. Melody Marr, Alameda Chamber of Commerce, 1416 Park Street, spoke in support of this item on behalf of the Board of Directors. She asked that the 45 days of extended hours be reduced to 24 days. She supported the live theater proposal, and did not want to see dollars leaving Alameda for movies and associated activities. She read the following names of members who supported this project, but could not attend: Debbie McBride, Barbara Johnson, Allison Bliss, Pamela Christiansen, Cathy Leong, Kevin Leong, Kathy Moehring, Terrence Brewer, Cathy Brewer, Chuck Bianchi, Julia Park, Lorre Zuppan, Josh Lipps, Jennifer George, Renee Tripprudeen of 3235 Central Avenue.

Mr. Bill Smith, PO Box 2009, spoke in opposition to this item and expressed concern about parking and traffic congestion.

Ms. Norma Henning, 1361 Park Street, spoke in support of this item and noted that she was a Park Street merchant.

Ms. Lorna Dowell submitted a speaker slip but was not in attendance to speak.

Mr. Harry Singh, 12 Shepardson Lane, spoke in support of this item, and noted that he would like to keep his dollars on the Island.

Ms. Lisa Jasper submitted, 117 Chinaberry Lane, a speaker slip but was not in attendance to speak.

Ms. Jasmine Tokuda, 867 Cedar Street, spoke in opposition to this item. She would support a smaller-scale theater similar to the Grand Avenue Theater in Oakland. She noted that market changes in the oil and the movie businesses may not point to off-Island business coming to this theater. She believed the size of this project would be an issue following those changes.

Mr. Elijah Moore noted that he had been a resident of Oakland and Alameda, and had been stationed at the Coast Guard base.

Mr. Kevin Frederick, 1287 Caroline Street, spoke in opposition to this item and believed there were many flaws in this project. He encouraged the Board to present their opinions frankly and clearly. He believed the business owners were presenting their support of this project in an emotional framework, and would like to see a logical presentation. He encouraged the widening of Oak Street, and suggested that the Elks Lodge location would be a better location for the parking garage.

Ms. Alice Ray, 2808 Bayview Drive, believed there could be a solution to bring the community together to meet the goals of community safety and keeping Alameda dollars on the Island.

Mr. Ivan Rudenko, 727 Haight Avenue, #7, submitted a speaker slip in opposition to this item but was not in attendance to speak.

The public hearing was closed for Board discussion.

Vice President Cook proposed that the Board discuss each issue separately.

Ms. McNamara requested that the developer address the live theater portion of the project, and added that she supported a live theater component. Mr. Conner explained the alterations that would take place to accommodate live performances, and added that he planned to return the auditorium to its original condition.

Ms. Ott noted that the old orchestra pit was not standard in a movie theater, but that it could be used.

In response to an inquiry by Ms. Mariani's regarding the balcony, Ms. Ott noted that there were no seats in the first balcony at this time, and that the second balcony had already been compromised and turned into two additional theaters. The old theatre walls would be demolished per Building Code requirements, but may be rebuilt some time in the future.

In response to an inquiry by Mr. Lynch regarding the renovation cost, Ms. Ott advised that it was projected to cost \$9.6 million.

Regarding Item A, Vice President Cook believed that this use was consistent with the General Plan's goal of revitalizing the downtown district, as well as the Downtown Visioning process. She believed this use was consistent with the General Plan, and would be adequately served by the City's

transportation system. She believed the traffic impact would be staggered because of the theater show times, and did not believe there would be 500 cars pouring in simultaneously.

In response to an inquiry by Vice President Cook regarding ADA access, Ms. Eliason replied that the historic theater restrooms would not be ADA accessible, and that the new theater would be fully accessible. The movie theater itself would be accessible and ADA compliant. The women's restroom in the historic theater would be able to accommodate a handicapped stall, but the men's room would not. There would also be a unisex bathroom on the first floor.

Mr. Lynch noted that the suppositions put forth by some speakers opposing the project that this project was not legally consistent with the General Plan were incorrect. He noted that the General Plan was a statement of goals and policies, but in order for the Board to take an affirmative action, there must be findings created. He believed there was consistency, and that the findings may be made to support those policies and goals.

Mr. Piziali agreed with the comments made by Vice President Cook and Mr. Lynch.

President Cunningham agreed with Vice President Cook's statements. He believed the new theater would revitalize the historic theater and conformed with uses elsewhere in the district.

Regarding Item B (Extended Hours of Operation), President Cunningham inquired about the criteria and plans for blockbuster showings. Mr. Conner noted that there were many factors involved, including staggering show times to minimize traffic congestion occurring at one time. He added that was also the benefit of having multiple screens. He added that the historic theater would be the catalyst for those showings, unless it was a major blockbuster release such as "Star Wars."

In response to an inquiry by Mr. Lynch whether he would agree with a condition that only the blockbuster releases be shown at 12:01 AM, Mr. Conner replied that would be limiting, but it would be acceptable to him.

Mr. Piziali expressed concern about police coverage when a show lets out at 3 AM, and inquired whether the Police Department had weighed in on this issue. He believed that extra staffing should be borne by the theater.

Ms. Eliason noted that no comment had been received by the Police Department, but that the Use Permit could be conditioned so that the applicant paid for extra police services.

Ms. McNamara inquired about queuing control in the event of a major blockbuster, and did not want people camping out for tickets days in advance. Ms. Eliason advised that the operator must provide a queuing plan, including provisions for crowd control and police coverage.

Mr. Piziali believed there were City ordinances against camping overnight.

Vice President Cook noted that she often bought her tickets online in order to avoid long lines. She suggested that camping be restricted.

Mr. Lynch acknowledged that people may line up for tickets at 10 AM, but opposed people sleeping over in front of the theater. He suggested that the applicant hire a private security guard for such events.

President Cunningham noted that St. Joseph's was required to hire private security to monitor excess parking for special events.

Mr. Piziali wished to ensure that there was no additional taxpayer expense on police services for such an event.

Vice President Cook suggested the following language: "The queuing plan shall be viewed by the Public Works Director, Planning & Building Director and the Chief of Police, and shall specifically address overnight queuing, and the cost of extra police services, if and when necessary, shall be borne by the applicant."

Mr. Lynch and President Cunningham agreed with that language.

Ms. Mariani inquired about inside and outside surveillance, and the specifics of the security.

Ms. McNamara believed that 10 extended hour events per year would be sufficient, and added that after the first night, it was no longer a special event for a blockbuster movie. She was also concerned about the impact on the neighborhoods by attendees leaving the late movies at 3 AM

Vice President Cook noted that if the 10 days per year went well, the Board could consider adding more dates.

Mr. Lynch suggested reviewing the extended hours every six months, rather than projecting a negative.

Vice President Cook suggested making that interval slightly longer to accommodate a learning curve, but supported the general idea. She suggested 24 events in a year, and reviewing the extended hours after a year.

M/S Cook/McNamara and unanimous to extend the meeting to 11:30 p.m.

AYES – 6 (Kohlstrand absent); NOES – 0; ABSTAIN – 0

Vice President Cook believed it would be useful to cap the number of theaters being used on a late-night showing.

President Cunningham did not want to place unreasonable economic restrictions on the applicant.

Mr. Conner suggested using only the ground level theaters on those evenings. He noted that there may be 400-500 people on a very full night.

Mr. Lynch would like specific information on impacts on public services.

Regarding Item C (Building Height), Vice President Cook noted that had always been her greatest concern. She had preferred the Long's parking lot project, but that project did not go forward. She noted that there were not many opportunities for the City to find a developer willing to take on such a project. She noted that public funds were often used for projects with a public benefit. She was willing to strike a balance and approve the height limit.

Ms. Mariani had no comment on this item.

Mr. Lynch noted that the cost of a project was the overall driving factor for this project, and appreciated and respected the passion of the public speakers. He noted that \$10 million of debt to restore this building must be offset by revenue generated by the business. He was comfortable with the discussion regarding the design and operations, and added that the financial aspect of this project was the driving factor for him. He noted that a three-screen theater cannot satisfy a \$10 million debt.

Mr. Piziali agreed with Mr. Lynch's comments, and noted that this project was necessary to support the restoration.

Ms. Mariani noted that she would like to see a movie theater in Alameda, and added that she would prefer the three or four-screen idea.

M/S Cook/Lynch to adopt Planning Board Resolution No. PB-05-41 to approve a Use Permit approval for the following: a) multi-screen theatre, live theatre, and public assembly use in the C-C T district pursuant to AMC Subsection 30-4.22; b) fifty eight (58') foot building height for the Cineplex pursuant to AMC Subsection 30-4.9A.g.2; and c) extended hours of operation until 3:00 AM for the theatre pursuant to AMC Subsection 30-4.9A.c.1(a) for occasional special events and screenings. The following modifications will be added:

1. Additional queuing shall be specifically addressed. The cost of extra police service and security, if and when necessary, shall be borne by the applicant.
2. The third paragraph will be revised from "45 days" to "24 days per year," and a provision will be added for a report back to the Planning Board after one full year of operation. The late-night showings will be limited to screens on the ground floor of the theater.

AYES – 5 (Kohlstrand absent); NOES – 0; ABSTAIN – 1 (Mariani)

7. WRITTEN COMMUNICATIONS: None.

8. STAFF COMMUNICATION: None.

9. ADJOURNMENT:

11:13 p.m.

Respectfully submitted,

Greg McFann, Acting Secretary
Planning & Building Department

These minutes were approved at the October 24, 2005, Planning Board meeting. This meeting was audio and video taped.